

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION :

Please amend page 5, at line 8 to add the words "spaced ribs or radii" after the numeral "8" and before the word "are",

Here 8 spaced ribs or radii are shown.

Please amend the specification at page 6, at lines 2-3, Such a disk configuration would be utilized if the construction of the umbrella were to omit a top finial [. See FIG. 8.] such as 50 shown in FIGURES 5 and 6.

Please amend claim 1 at line 2 to add the words "fixed open position thatched" between the words "Carribean" and "umbrella",

1. A thatched umbrella having the appearance of a South Seas or Caribbean a fixed open position thatched umbrella but which is openable and closeable, which umbrella comprises:

Please amend claim 8 at line 4 to add the words "fixed open portion thatched" between the words "Carribean" and "umbrella",

8. A thatched umbrella having the appearance of a South Seas or Caribbean fixed open portion thatched umbrella but which is openable and closeable, which umbrella comprises:

REMARKS

The change to FIGURE 7, as requested, has been authorized to add the legend, "PRIOR ART".

In both the specification and the drawings the top finial is referred to by designator 50.

Page 5 at line 8 has been amended to remove to the alleged indefiniteness.

The registration based on the combination of ROSS, CACCAMO and HUBER should be withdrawn. The examiner is in error in stating what CACCAMO discloses. See claim 5, lines 52 et seq. "A cover of matted grass, reed leaves and the like," is NOT a continuous woven one piece circular thatch. If one looks at the cover of CACCAMO, the end product is one unit but it is clearly not a circular thatch that will fit on an umbrella frame and permit the umbrella to be opened and closed.

The examiner begs the invention. The cover of the reference is flat, and could NOT be adapted to operate as applicant desires. Note how it lies on a flat circular cover. The inherent face lines from the hazard assembly of the cover 11, per FIGURE 2, permit it from being able to be moved in the manner that applicant can move his continuous woven thatch member.

Fixed position thatched umbrellas are known from any resort in a warm climate. But a true thatched umbrella that is capable of being opened and closed is the very essence of this invention.

While HUBER teaches attaching thatches to a roof structure, the thatch shown in the figures is not circular and includes metal holder 19 for retention of the thatching. This patent pertains to the attaching of members 19 to a roof, not the attachment of thatching per se.

Reference is made to column 2, lines 68-75 et seq. and to FIGURES 7-10. Note clearly the position of centre pole 20 and in FIGURE 7. This is clearly not the construction of an umbrella; a tent yes with vertical supports such as 50 in FIGURE 9, but not an umbrella. In an umbrella the spars radiate from a top hub not one down at the bottom as shown in FIGURE 8 of this patent.

This reference is inapplicable and cannot be used in a combination as it does not meet the structure of the claims. This tent can not be closed down in the manner of an umbrella, but then again it was not designed to do so.

In conclusion, the combination falls. The obviousness asserted by the examiner

is a mere leap of faith, and recasts the references to what they are not.

It is further asserted that with the belief that the independent claims are patentable, that therefore, the features individually of the dependent claims should also be patentable.

Applicant has a long history in the patio umbrella business. The structure of this invention is the first ever to produce a marketable umbrella that has the appearance of a South Seas or Caribbean thatched umbrella, yet is able to be closed down during periods of wind and non-use. Commercial success is currently being achieved by the product of this invention.

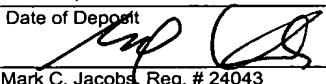
While applicant's counsel believes the claims as stated are patentable over the combination of references, language changes would be entertained by counsel.

Therefore, it is deemed beneficial to an early allowance, the Examiner is asked to contact the undersigned in California at 916-485-5000.

Respectfully submitted,



Mark C. Jacobs
Attorney for Applicant(s)
Reg. No. 24043

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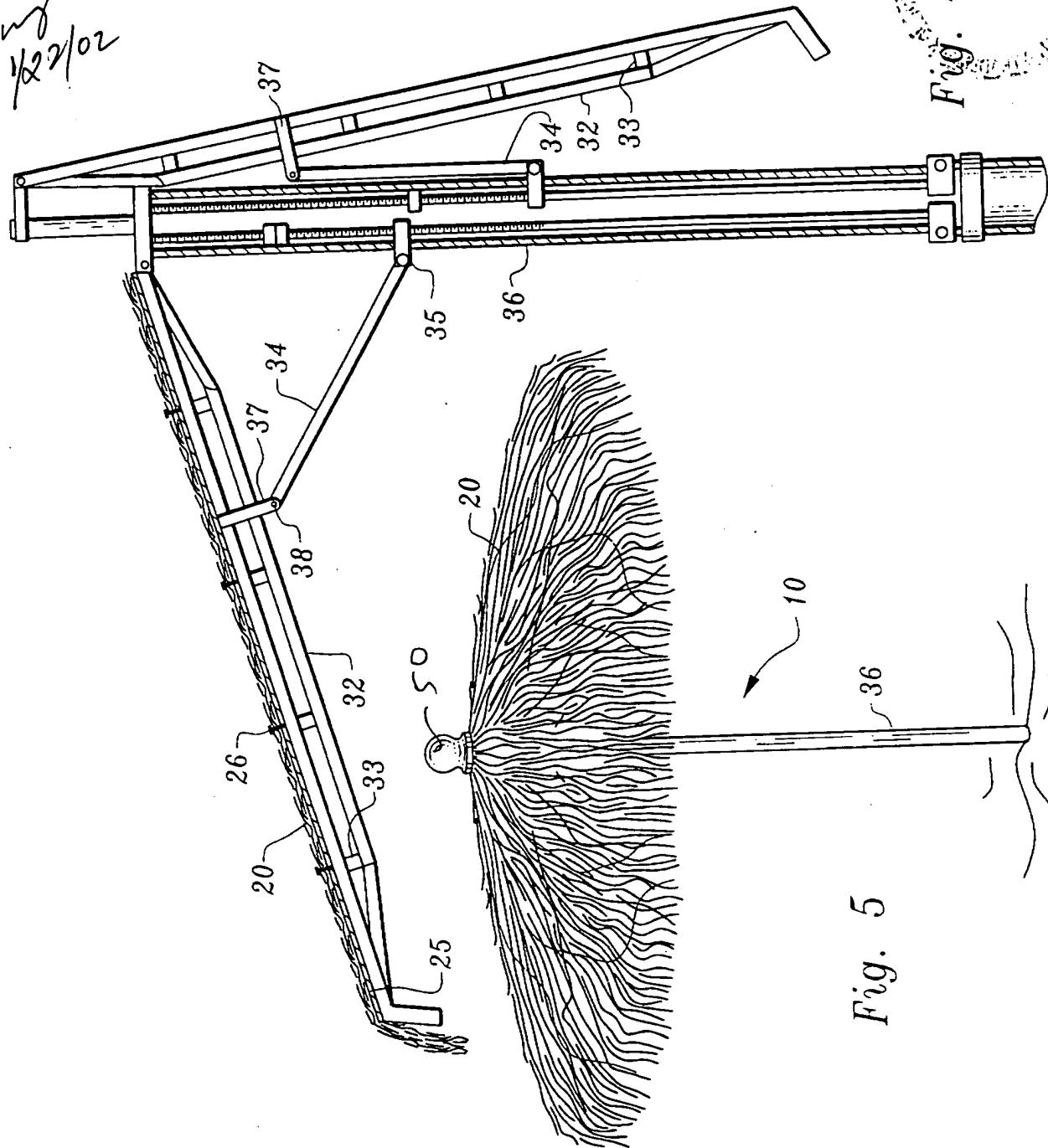


Fig. 5

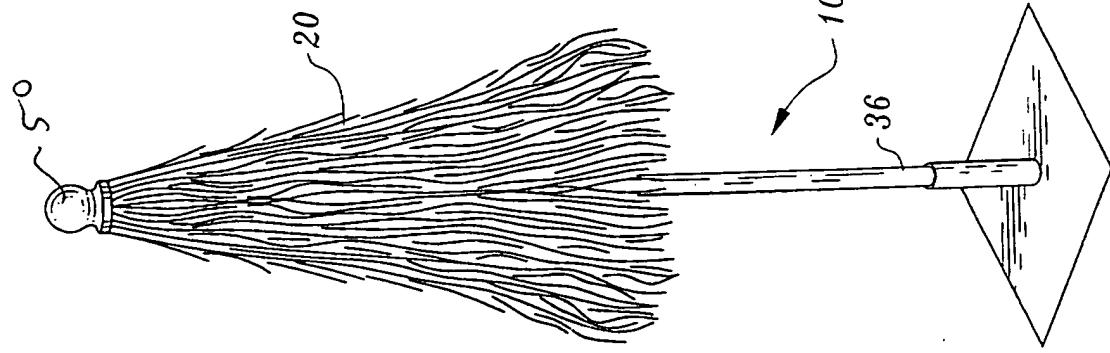


Fig. 6

Fig. 8

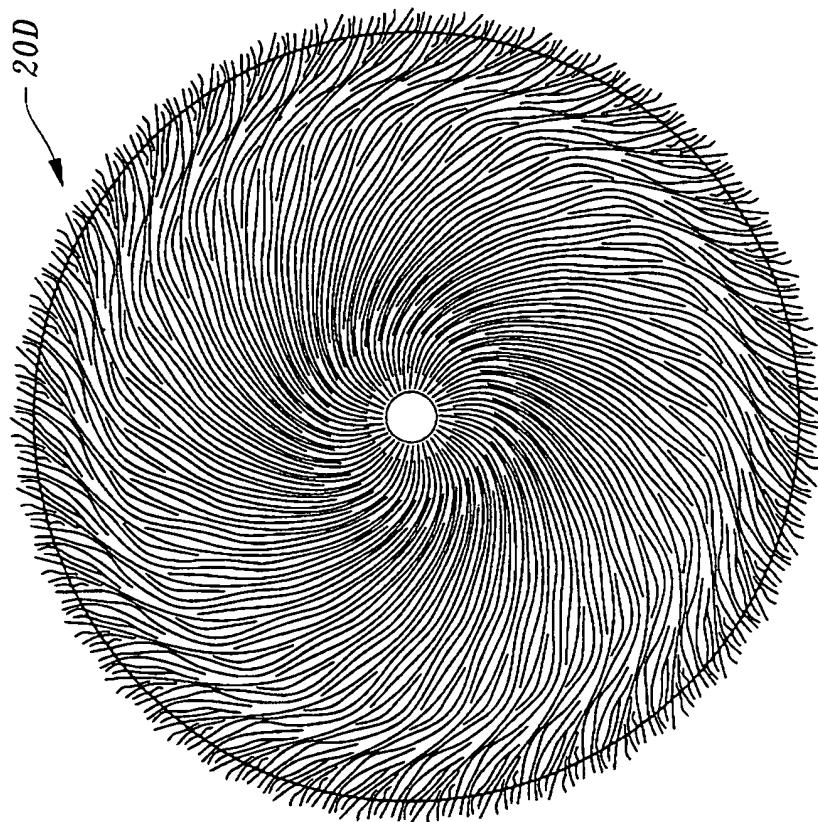
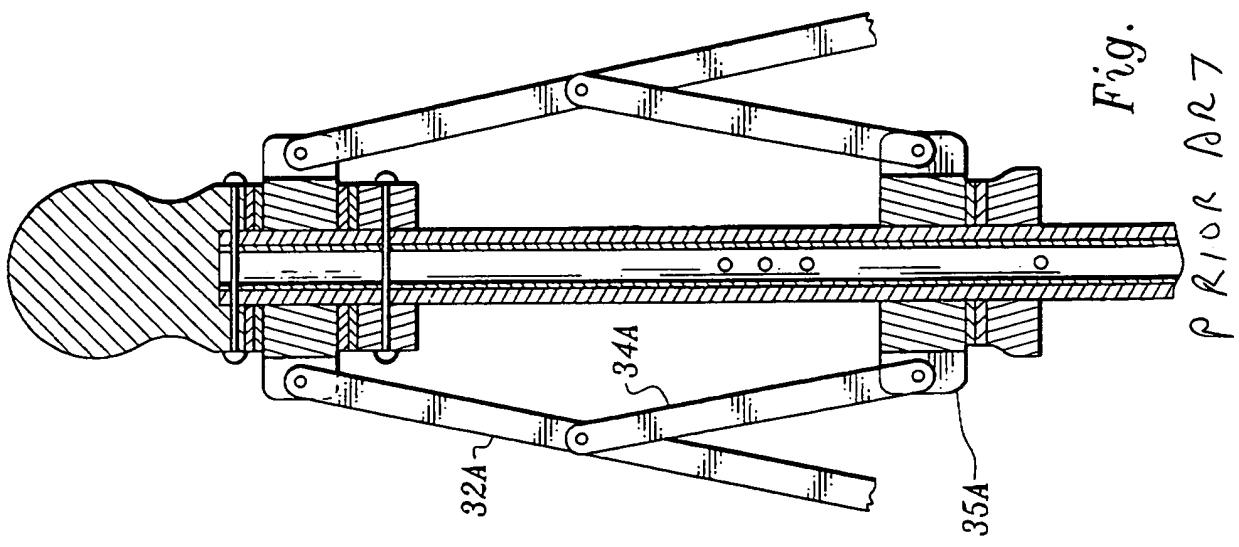


Fig. 7



P RIOR ART